

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

Laura R. Darden

Serial No.: 09/836,164

Group Art Unit: 2825

Filed: April 18, 2001

Examiner: Not Yet Assigned

For: SPACING VIOLATION CHECKER

Assistant Commissioner of Patents
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. 1.17(h) AND RESPONSE TO NOTICE
OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice Of Omitted Item(s) In a Nonprovisional Application dated May 4, 2001, Applicant hereby petitions and contends that the alleged omitted items were, in fact, filed in the U.S. Patent and Trademark Office with the filing of the original application. In support of this contention, attached hereto are copies of:

- (1) the date-stamped filing receipt which lists "26" pages of specification, claims and abstract;
- (2) the application transmittal sheet which lists "26" pages of specification.

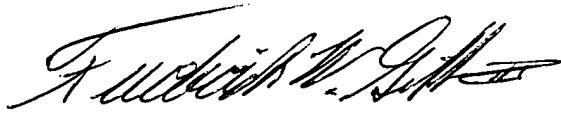
In addition, on page 2, item 5 of the transmittal, Applicant has indicated the appropriate notation which states: "The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein." In further view of this statement, Applicant hereby requests that this Petition be granted and that the Petition fee be refunded.

BU9-98-118CONT

For the convenience of the office, also attached hereto is a duplicate copy of the as-filed specification. No new matter has been added.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0456.

Respectfully Submitted,



Frederick W. Gibb, III
Reg. No. 37,629

Date: 5/21/01

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 28211

FWC/Chrt
BIR. 013 CON T. S.

J1002 U.S. PTO
09/836164

**New Application Post Card Filing Receipt and 04/18/01
Request for Early Notification of Serial Number**

Attorney's Docket Number: B49-98-118 Cont Patent Trademark
Applicant's Name: Darden Application Filing Date: 4/16/01

Title: Same Yet Spacing Variation Checker

Papers Filed Herewith:

26 Pages Specification, Claims and Abstract 20 Total Claims 4 Independent Claims

3 Sheets Formal Drawings Informal Drawings Priority Document(s) (Feb 112)

Patent Application Transmittal Sheet Declaration/Power of Attorney (Copy)

IDS 1449 Form w/ ___ Documents Assignment Recordation Cover

Other Preliminary Attachment

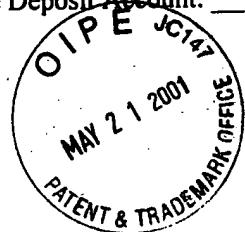
Fees Filed Herewith: \$ 170. - Check Charge Deposit Account: 8 E 16

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May 1998

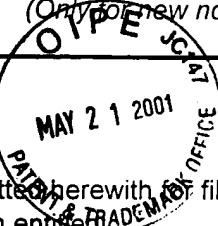


UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BU9-98-118CONT

Total Pages in this Submission



TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled

A SAME NET SPACING VIOLATION CHECKER

and invented by:

Laura R. Darden

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/162,215

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below

2. Specification having 26 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Microfiche Appendix (*if applicable*)
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if drawings filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
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Application Elements (Continued)

3. Drawing(s) *(when necessary as prescribed by 35 USC 113)*
 - a. Formal Number of Sheets 3 (Figs. 1-12)
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed *(original or copy)* Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
 - c. With Power of Attorney Without Power of Attorney
 - d. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Computer Program in Microfiche *(Appendix)*
7. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
 - a. Paper Copy
 - b. Computer Readable Copy *(identical to computer copy)*
 - c. Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. Assignment Papers *(cover sheet & document(s))*
9. 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. English Translation Document *(if applicable)*
11. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Acknowledgment postcard
14. Certificate of Mailing

First Class Express Mail *(Specify Label No.):* _____

UTILITY PATENT APPLICATION TRANSMITTAL
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(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BU9-98-118CONT

Total Pages in this Submission

Accompanying Application Parts (Continued)

15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
BU9-98-118CONT

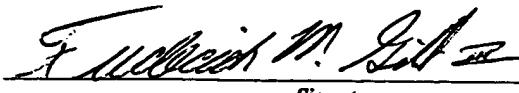
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				BASIC FEE	\$710.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$790.00

A check in the amount of _____ to cover the filing fee is enclosed.
 The Commissioner is hereby authorized to charge and credit Deposit Account No. 09-0456 as described below. A duplicate copy of this sheet is enclosed.
 Charge the amount of \$790.00 as filing fee.
 Credit any overpayment.
 Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

Frederick W. Gibb, III
Registration No. 37,629
McGinn & Gibb, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182
Customer N . 28211

Dated:

CC: